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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,381	09/08/2003	Qing Guo	42390.P9268	6337
8791 7590 05/31/2007 BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			EXAMINER ARMSTRONG, ANGELA A	
			ART UNIT 2626	PAPER NUMBER
			MAIL DATE 05/31/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/019,381

Applicant(s)

GUO ET AL.

Examiner

Angela A. Armstrong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/8/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-23 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-23 are rejected under 35 U.S.C. 101 because they merely manipulate an abstract idea (decision-tree based model) without a claimed limitation to a practical application. The disclosed invention has a practical application in the technological arts (e.g speech/vocabulary processing in a speech recognition system); however, the claimed invention, a series of steps to be performed on a computer, simply manipulates an abstract idea without a claimed limitation to the practical application, where practical application may be shown by

a) physical transformation

OR

b) useful, concrete and tangible result.

The disclosed invention of the instant application pertains to a method of *learning*, which is a manipulation of an abstract idea without any limitation to a practical application.

Claims 7-9 and 20-23, are rejected under 35 U.S.C. 101 because the claims are directed to "machine readable medium " which is directed to non-statutory subject matter as not being tangibly embodied in a manner so as to be executable. According to the USPTO Interim

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Guidelines for Patent Subject Matter Eligibility, machine readable medium and/or programs are neither computer components nor statutory processes, as they are not “acts” being performed nor do they define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program’s functionality to be realized. Therefore, a claim that recites language such as “machine readable medium” or “A program...comprising...” is NOT statutory.

Applicant should note, however, that claims directed to a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer’s functionality to be realized, and is thus statutory. Claims that recite the following language:

“A computer-readable medium encoded with a computer program...”

“A computer-readable medium having stored thereon instructions for...”

are considered to be product claims and are thus, statutory PROVIDED the specification does NOT disclose that the computer-readable medium is a signal, waveform, or carrier wave.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Bandara et al (US Patent No 5,899,973).

4. Regarding claim 1, Bandara et al discloses a method and apparatus for adapting the language model's size in a speech recognition system (Figure 3) and at col. 5, line 37 continuing to col. 7, line 2, discloses scaling a decision tree based model for a given task (as a user-specific acoustic distance based on the specific vocabulary stored in unit (9)).

Regarding claim 2, Bandara et al discloses the decision tree model is a hidden Markov model (col. 5, lines 4-8).

Regarding claim 3, Bandara discloses adapting the scaled decision tree-based model for the given task at col. 5, line 37 continuing to col. 7, line 2, as a user-specific acoustic distance based on the specific vocabulary stored in unit (9).

Regarding claims 4-9, claims 4-9 are similar in scope and rationale to claims 1-3 and therefore are rejected under similar rationale.

Regarding claim 10, Bandara et al discloses collecting a vocabulary knowledge of a given task (13); and trimming down a general model according to the vocabulary knowledge of the given task at col. 5, line 37 continuing to col. 7, line 2, as a user-specific acoustic distance based on the specific vocabulary stored in unit (9).

Regarding claim 11, Bandara discloses adapting the trim-down general model for the given task at col. 5, line 37 continuing to col. 7, line 2, as a user-specific acoustic distance based on the specific vocabulary stored in unit (9).

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Regarding claim 12, Bandara discloses collecting adaptation data, the adaptation data being related to the given task at Figure 4 and col. 5, line 37 continuing to col. 7, line 2; and adapting the trim-down general model to a task dependent model using the adaptation data at Figure 4 and col. 5, line 37 continuing to col. 7, line 2.

Regarding claim 13, Bandara discloses interpolating the trim-down general model with the task dependent model to obtain a task specific model at col. 5, line 37 continuing to col. 7, line 2, as a user-specific acoustic distance based on the specific vocabulary stored in unit (9).

Regarding claim 14, Bandara et al discloses the decision tree model is a hidden Markov model (col. 5, lines 4-8).

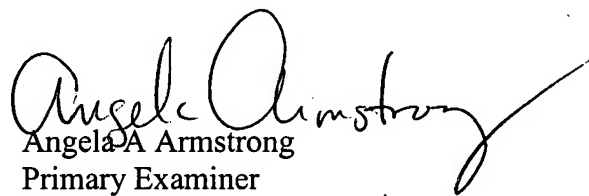
Regarding claims 15-23, claims 15-23 are similar in scope and content to claims 10-14 and therefore are rejected under similar rationale.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela A. Armstrong whose telephone number is 571-272-7598. The examiner can normally be reached on Monday-Thursday 11:30-8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Angela A. Armstrong
Primary Examiner
Art Unit 2626

AAA
December 11, 2006